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| 09/988,824      | 11/20/2001  | Reza P. Rassool      | P 271178            | 8821             |

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EXAMINER

GODDARD, BRIAN D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2171

DATE MAILED: 03/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/988,824

Applicant(s)

RASSOOL ET AL.

Examiner

Brian Goddard

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:  
It was not executed in accordance with either 37 CFR 1.66 or 1.68. Specifically, no date was provided with the signatures of inventors Reza P. Rassool and Brian A. Baker.

### ***Claim Objections***

2. Claims 27, 29 and 42 are objected to because of the following informalities:

The word 'the' should be inserted between "with" and "known" in the phrase "with [the] known media file identifier" in the eighth line of claim 27.

The word "the" should be removed from between "each" and "series", and from between "each" and "media file", (or other appropriate correction) in the fourth line of claim 29.

The word "the" should be removed from between "when" and "each unknown image identifier" in the twelfth line of claim 42.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the identifier generating algorithm" in lines 2-3 and again in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claims 8-10 each recite this same limitation, all with insufficient antecedent basis.

In the interest of compact prosecution, the examiner assumes that "the identifier generating algorithm" should be replaced with "an identifier generating algorithm" in the first instance of this limitation in each of these claims.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8, 10-15, 17-24, 27-32, 36-43 and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,675,174 to Bolle et al.

Referring to claim 1, Bolle discloses a method for identifying a media file as claimed. See Figures 1-6 & 11-12 and the corresponding portions of Bolle's specification for this disclosure. In particular, Bolle teaches "a method [See Figs. 1-2 & 11-12] for identifying a media file, the method comprising:

searching [See Fig. 2B & 11-12] a collection of machine readable data [e.g. web sites on the Internet] to locate an unknown media file therein [See column 27, lines 20-54];

generating [See steps 1110-1140] a media file identifier [segment index table & segment identifier] for an unknown media file [whole file or partial (interval) file if media is streaming] located in the collection of machine readable data [See column 27, lines 20-57];

determining an address [URL] of the unknown media file in the collection of machine readable data [See column 27, lines 45-57];

storing the media file identifier for the unknown media file [See Figs. 1-2] in a database [175];

storing the address of the unknown media file [See Figs. 1-2] in a database [175];

associating [See Figs. 1-2 & 10] the stored address of the unknown file with the stored media file identifier for the unknown media file" as claimed.

Referring to claims 2-5, Bolle discloses the method for identifying a media file as claimed. See Figures 1-2 and column 27, lines 20-57 of Bolle's specification for this disclosure. Bolle teaches the method for identifying a media file as defined in claim 1, as above, wherein the machine readable data resides on a computer network, the

Internet, and wherein the searching is accomplished by a crawler capable of searching a network site [web site] based on an address [URL] for the network site provided by an administrator as claimed.

Referring to claim 6, Bolle discloses the method for identifying a media file as claimed. See Figures 1-2 and column 27, lines 20-57 of Bolle's specification for this disclosure. Bolle teaches the method for identifying a media file as defined in claim 5, as above, wherein the crawler is further capable of analyzing the machine readable data residing on the network site to generate an address [URL] of another network site to be searched [See column 27, lines 47-54] as claimed.

Referring to claim 7, Bolle discloses the method for identifying a media file as claimed. See Figures 1-2 and column 27, lines 20-57 of Bolle's specification for the details of this disclosure. Bolle teaches the method of claim 6, as above, wherein the generating of the media file identifier for the unknown media file utilizing an identifier generating algorithm [See e.g. Fig. 4] is accomplished by downloading the unknown media file and then analyzing the unknown media file with the identifier generating algorithm [See column 27, lines 42-57] as claimed.

Referring to claim 8, Bolle discloses the method for identifying a media file as claimed. See Figures 1-2 and column 27, lines 20-57 of Bolle's specification for this disclosure. Bolle teaches the method of claim 6, as above, wherein the unknown media file is a streaming media file [See Summary of the Invention section as well as portions cited above] and wherein the generating of the media file identifier...is accomplished by

playing the unknown media file as a stream of data [See column 27, lines 42-57] and analyzing the stream...as claimed.

Referring to claim 10, Bolle discloses the method for identifying a media file as claimed. See Figures 1-5 and the corresponding portions of Bolle's specification for this disclosure. Bolle teaches the method of claim 1, as above, wherein the unknown media file is a video file and wherein the media file identifier is generated by an identifier generating algorithm that is a word count algorithm [segment counter (also see Summary of the Invention section)] as claimed.

Referring to claim 11, Bolle discloses the method for identifying a media file as claimed. See Figures 1-6 & 11-12 and the corresponding portions of Bolle's specification for the details of this disclosure. Bolle teaches the method of claim 1, as above, wherein the generating of the media file identifier for the unknown media file is accomplished utilizing an identifier generating algorithm [See above], the method further comprising providing a query media file [Reference Media File/Segment(s) 110], generating a media file identifier for the query media file utilizing the identifier generating algorithm [See Fig. 2A], comparing the media file identifier for the query file with the media file identifier for the unknown media file in order to determine if the respective media files from which the query media file identifier and the unknown media file identifier were generated have identical media content [See Figs. 2B & 11-12 and column 27, lines 20-57], and providing the location of the unknown media file in response to a determination that the query media file identifier and the unknown media

file identifier were generated from media files having identical media content [See above and column 27, lines 20-57] as claimed.

Referring to claim 12, Bolle discloses the method for identifying a media file as claimed. See Figures 1-2 and the corresponding portions of Bolle's specification for this disclosure. Bolle teaches the method of claim 11, as above, further comprising providing metadata [segment features in segment index table] that includes information sufficient to identify the unknown media file, storing the metadata in a database [175] and associating the metadata with the unknown media file [See above] as claimed.

Referring to claim 13, Bolle discloses the method for identifying a media file as claimed. See Figures 1-2 and the corresponding portions of Bolle's specification for this disclosure. Bolle teaches the method of claim 1, as above, further comprising providing a media file identifier for a known media file [Reference Media File/Segment(s) 110] and comparing the media file identifier for the unknown media file with the media file identifier for the known media file [See Figs. 2B & 11-12] in order to determine if the respective media files from which the known media file identifier and the unknown media file identifier were generated have identical media content as claimed.

Claim 14 is rejected on the same basis as claim 2, in light of the basis for claim 13. See the discussions regarding claims 1-2 and 13 above for the details of this disclosure.

Claim 15 is rejected on the same basis as claim 11, in light of the basis for claim 14. See the discussions regarding claims 1, 11 and 13-14 above for the details of this disclosure.



Claim 17 is rejected on the same basis as claim 10, in light of the basis for claim 15. See the discussions regarding claims 1, 10-11 and 13-15 above for the details of this disclosure.

Claim 18 is rejected on the same basis as claims 11 and 13. See the discussions regarding claims 1, 11 and 13 above for the details of this disclosure.

Claim 19 is rejected on the same basis as claim 12, in light of the basis for claim 18. See the discussions regarding claims 1 and 11-13 above for the details of this disclosure.

Claims 20-24 are rejected on the same basis as claims 4-8 respectively, in light of the basis for claim 19 above. See the discussions regarding claims 1, 4-8 and 11-13 above for the details of this disclosure.

Claim 27 is rejected on the same basis as claims 11 and 13. See the discussions regarding claims 1, 11 and 13 above for the details of this disclosure.

Claim 28 is rejected on the same basis as claim 12, in light of the basis for claim 27. See the discussions regarding claims 1 and 11-13 above for the details of this disclosure.

Claim 29 is rejected on the same basis as claim 10, in light of the basis for claim 28. See the discussions regarding claims 1 and 10-13 above, as well as the portions of the Bolle reference cited therein, for the details of this disclosure.

Referring to claim 30, Bolle discloses the method for identifying a media file resident on a network as claimed. Specifically, Bolle's images in each series of images

are encoded as a GOP (group of pictures) as claimed. See the Background of the Invention section and columns 9-10 for the details of this disclosure.

Referring to claim 31, Bolle discloses the method for identifying a media file resident on a network as claimed. Bolle's media file identifier generating algorithm sequentially generates word counts for selected successive images [segments] in the unknown media file, and the search algorithm compares the word counts, terminating if a sufficiently close match is found [See Figures 2B & 11-12] as claimed.

Referring to claim 32, Bolle discloses the method for identifying a media file resident on a network as claimed. See the Field of the Invention, Background of the Invention and Summary of the Invention sections for the details of this disclosure. Bolle's unknown media file and each known media file is an audio file as claimed.

Claims 36-37 are rejected on the same basis as claims 3-4 respectively, in light of the basis for claim 31. See the discussions regarding claims 1-6 and 27-31 above for the details of this disclosure.

Claims 38-43 and 47-48 are rejected on the same basis as claims 27-32 and 36-37 respectively. See the discussions regarding claims 27-32 and 36-37 above for the details of this disclosure.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 9, 16, 33-35 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolle.

Referring to claim 9, Bolle teaches the method of claim 1, as above, wherein the unknown media file is an audio file as claimed. See the Field of the Invention, Background of the Invention and Summary of the Invention sections for the details of this disclosure. Bolle does not explicitly disclose the identifier generating algorithm as an up-down coding algorithm as claimed. However, Bolle's identifier generating algorithm for audio files is similar to the claimed up-down coding algorithm. See Figure 9 and the corresponding portion of Bolle's specification for this disclosure. This provides suggestion for using an up-down coding algorithm in Bolle's system.

The examiner takes Official notice that up-down coding algorithms were in common usage at the time of applicants' invention for encoding audio files into a smaller binary representation in systems similar to Bolle's. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to add an up-down coding algorithm to Bolle's system in order to convert segments of reference or unknown audio files into a small binary representation (identifier) to obtain the invention as claimed. One would have been motivated to do so because of Bolle's suggestion as provided above, and further to reduce the computation complexity of Bolle's current algorithm for audio (Fig. 9) to provide a more accurate representation of the audio segments.

Claim 16 is rejected on the same basis as claim 9, in light of the basis for claim 15 above. See the discussions regarding claims 1, 9 and 13-15 above for the details of this disclosure.

Claim 33 is rejected on the same basis as claim 9, in light of the basis for claim 32 above. See the discussions regarding claims 1, 9, 27-28 and 32 above for the details of this disclosure.

Referring to claims 34 and 35, Bolle's system and method as discussed above with regard to claim 33 discloses the invention as claimed. Bolle's identifier generating algorithm [See Fig. 9], an up-down coding algorithm as per the modification in claim 33 above, is used on either the entire audio file or only a portion [certain segment(s)] of the audio file as claimed.

Claims 44-46 are rejected on the same basis as claims 33-35 respectively, in light of the basis for claim 43. See the discussions regarding claims 33-35 and 43 above for the details of this disclosure.

7. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolle in view of U.S. Patent Application Publication No. 2002/0087515 to Swannack et al.

Referring to claim 25, Bolle's crawler is implemented on a single computer system as disclosed. Thus, Bolle does not explicitly teach the crawler implemented by a plurality of computers distributed throughout the computer network searching the network site simultaneously as claimed.

Swannack discloses a system and method similar to that of Bolle, wherein the crawler is implemented using a plurality of computers distributed throughout the computer network searching network sites simultaneously as claimed. See Figure 1 and the corresponding portion of Swannack's specification, as well as Paragraph 0255, for the details of this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace Bolle's crawler with that of Swannack, resulting in a plurality of computers searching the network sites simultaneously as one crawler, to obtain the invention as claimed. One would have been motivated to do so in order to give the crawling system more processing power resulting in faster location of unknown media files needing to be identified.

Referring to claim 26, the system and method of Bolle in view of Swannack as applied to claim 25 discloses the invention as claimed. See the discussion regarding claim 25 above, as well as the cited portions of the two specifications for the details of this disclosure. Bolle's (as modified by Swannack) crawler controls the plurality of

computers to mimic the behavior of a human user searching the network site as claimed. This is the function of a crawler by definition, as evidenced by the cited portions of both specifications above.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent Nos. 6,628,824 to Belanger; 6,349,296 to Broder et al.; and 6,547,829 to Meyerzon et al. are each considered particularly pertinent to applicants' claimed invention.

The remaining prior art of record is considered pertinent to applicants' disclosure, and/or portions of applicants' claimed invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 703-305-7821. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg  
04 March 2004

  
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